## 209.571-7 Systems engineering and technical assistance contracts.

- (a) Agencies shall obtain advice on systems architecture and systems engineering matters with respect to major defense acquisition programs or pre-major defense acquisition programs from Federally Funded Research and Development Centers or other sources independent of the major defense acquisition program contractor.
  - (b) Limitation on Future Contracting.
- (1) Except as provided in paragraph (c) of this subsection, a contract for the performance of systems engineering and technical assistance for a major defense acquisition program or a pre-major defense acquisition program shall prohibit the contractor or any affiliate of the contractor from participating as a contractor or major subcontractor in the development or production of a weapon system under such program.
  - (2) The requirement in paragraph (b)(1) of this subsection cannot be waived.
  - (c) Exception.
- (1) The requirement in paragraph (b)(1) of this subsection does not apply if the head of the contracting activity determines that—
- (i) An exception is necessary because DoD needs the domain experience and expertise of the highly qualified, apparently successful offeror; and
- (ii) Based on the agreed-to resolution strategy, the apparently successful offeror will be able to provide objective and unbiased advice, as required by 209.571-3 (a), without a limitation on future participation in development and production.
  - (2) The authority to make this determination cannot be delegated.

Parent topic: 209.571 Organizational conflicts of interest in major defense acquisition programs.